IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9159 OF 2005

Chhya Sunil Joshi : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

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Mr.C.G.Gavnekar with Mr.G. Hiranandani for the petitioner.

None present for the respondents.

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CORAM : V.G.PALSHIKAR,Acg.C.J.& SMT.N.N. MHATRE, J.

DATE : January 24, 2006.

P.C.

1. By this petition, the petitioner has questioned the constitutional validity of section 13 of the Bombay Village Panchayats Act, 1958 (hereinafter referred to as the "Act") as amended in 1994.

2. The contention is that by permitting a person to vote on completion of 18 years of age but prohibiting him from contesting elections till he completes 21 years of age is an unreal classification having no nexus with the object of the Act. It is undisputed that right to vote or right to contest an election is a statutory

right created by the Legislature. The Legislature thought a person who has completed 18 years of age to be competent enough to vote and a person who has completed 21 years of age to be competent enough to represent a constituency from which he proposes to contest elections. This classification is based on a reasonable differentia between the right to vote and the right to represent. It cannot be said that the differentia is unreal and, consequently, it cannot be questioned as unconstitutional.

3. The petition is, therefore, rejected.

Acg.CHIEF JUSTICE

SMT.N.N. MHATRE, J.